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Attorney for Plaintiff,
JOHN HASTINGS

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOHN HASTINGS,

Plaintiff,

v.

WEST ASSET MANAGEMENT, INC.,

Defendant.

Case No.: '14CV0413W KSC

PLAINTIFF'S COMPLAINT

PLAINTIFF'S COMPLAINT

Plaintiff, JOHN HASTINGS ("Plaintiff"), through his attorney, AGRUSS LAW FIRM, LLC, alleges the following against Defendant, WEST ASSET MANAGEMENT, INC. ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. ("RFDCPA").

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. §§1331, 1367, and 15 U.S.C. §1692k.

1 4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions
2 may be brought and heard before “any appropriate United States district court without regard
3 to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction
4 over the state claims contained within.

5
6 5. Venue and personal jurisdiction in this District are proper because Defendant does or transacts
7 business within this District, and a material portion of the events at issue occurred in this
8 District.

9
10 **PARTIES**

11 6. Plaintiff is a natural person residing in the City of San Diego, San Diego County, California.

12 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).

13 8. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Cal. Civ.
14 Code § 1788.2(h).

15 9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
16 Code §1788.2(c).

17 10. Within the last year, Defendant sought to collect an alleged consumer debt from Plaintiff.

18 11. Defendant is a collection agency headquartered in Omaha, Nebraska.

19 12. Defendant’s business includes, but is not limited to, collecting on unpaid, outstanding
20 account balances.

21 13. The principal purpose of Defendant’s business is the collection of debts allegedly owed to
22 third parties.

23 14. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.

24 15. During the course of its attempts to collect debts allegedly owed to third parties, Defendant
25 sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or
26
27
28

1 electronic mail, and initiates contact with alleged debtors via various means of
2 telecommunication, such as by telephone and facsimile.

3 16. Defendant acted through its agents, employees, officers, members, directors, heirs,
4 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
5

6 **FACTUAL ALLEGATIONS**

7 17. Plaintiff allegedly owes an unpaid balance originating from a Scottsdale Healthcare Osborn
8 Campus account, with an account number ending in 0008, Defendant's account number
9 541660.

10 18. Plaintiff's alleged debt owed arises from transactions for personal, family, and household
11 purposes.
12

13 19. Within in the last year, Defendant was hired to collect on the alleged debt.

14 20. Prior to Defendant contacting Plaintiff regarding the alleged debt, Defendant harmed
15 Plaintiff's credit by reporting the account on Plaintiff's credit report.

16 21. After reporting the account on Plaintiff's credit report, Defendant began to call Plaintiff at
17 619-436-95xx and 480-720-09xx in an attempt to collect on the alleged debt.
18

19 22. Defendant calls from 480-525-0490.

20 23. The telephone number of 480-525-0490 is one of Defendant's telephone numbers.

21 24. During Plaintiff's first phone call with Defendant, Plaintiff told Defendant that he had sent
22 Defendant a debt validation and cease and desist request.

23 25. During the aforementioned conversation, Defendant denied having received the debt
24 validation and cease and desist request.
25

26 26. However, Plaintiff had sent Defendant a debt validation and cease and desist request on July
27 1, 2013, via certified mail number 71147336155371871574, pursuant to U.S.C. §1692g(b).
28

1 27. Despite this, Defendant continued to call Plaintiff in an attempt to collect the alleged debt.

2 *See* letter attached as Exhibit A.

3 28. Defendant called Plaintiff on July 25, 2013 at 2:49 p.m., August 1, 2013 ta 10:35 a.m., and
4 August 8, 2013 at 6:05 p.m. in an attempt to collect the debt.

5 29. Furthermore, Defendant did not respond to the debt validation request until September 9,
6 2013. *See* letter attached as Exhibit B.

7 30. Defendant repeatedly communicated with Plaintiff in an attempt to collect the debt owed on
8 Plaintiff's Scottsdale Healthcare Osborn Campus account at issue in this case.

9 31. Defendant repeatedly communicated with Plaintiff in an attempt to collect the debt owed on
10 Plaintiff's Scottsdale Healthcare Osborn Campus account at issue in this case after receiving
11 a debt validation and cease and desist request.
12
13

14 **COUNT I**
15 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16 32. Defendant violated the FDCPA based on the following:

17 a. Defendant violated §1692c(c) of the FDCPA by communicating with a consumer after
18 receiving notification, in writing, that the consumer wishes the debt collector to cease
19 further communication when Defendant continued to place phone calls to Plaintiff,
20 despite Defendant having received a cease and desist request in connection with the
21 alleged debt;
22

23 b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
24 consequences of which is to harass, oppress, and abuse Plaintiff in connection with the
25 collection of an alleged debt;

26 c. Defendant violated §1692e(8) of the FDCPA by communicating to any person credit
27 information which is known or which should be known to be false, including the
28

1 failure to communicate that a disputed debt is disputed;

2 d. Defendant violated §1692e(10) of the FDCPA through the use of false representations
3 or deceptive means to collect or to attempt to collect a debt or obtain information about
4 Plaintiff;

5 e. Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in
6 connection with the collection of an alleged debt; and
7

8 f. Defendant violated §1692g(b) of the FDCPA by attempting to collect the debt after
9 having received Plaintiff's debt validation request.

10 WHEREFORE, Plaintiff, JOHN HASTINGS, respectfully requests judgment be entered
11 against Defendant, WEST ASSET MANAGEMENT, INC., for the following:
12

13 33. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C.

14 1692k,

15 34. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15

16 U.S.C. 1692k,

17 35. Any other relief that this Honorable Court deems appropriate.
18

19 **COUNT II**
20 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES**
21 **ACT**

22 36. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the
23 allegations in Count II of Plaintiff's Complaint.

24 37. Defendant violated the RFDCPA based on the following:

25 a. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply
26 with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 et seq.

27 WHEREFORE, Plaintiff, JOHN HASTINGS, respectfully requests judgment be entered
28 against Defendant, WEST ASSET MANAGEMENT, INC., for the following:

1 38. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act,
2 Cal. Civ. Code §1788.30(b),

3 39. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices
4 Act, Cal. Civ Code § 1788.30(c), and

5 40. Any other relief that this Honorable Court deems appropriate.
6

7 RESPECTFULLY SUBMITTED,
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9 DATED: February 24, 2014

AGRUSS LAW FIRM, LLC

10
11 By: /s/ Michael S. Agruss

12 Michael S. Agruss
13 Attorney for Plaintiff
14 JOHN HASTINGS
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EXHIBIT A

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07/01/2013

West Asset Management

7171 Mercy Rd

Omaha, NE 68106-2620

RE: My last 4 SSN: 1705

Year of birth: 1976

To Whom It May Concern:

You have harmed my credit rating without providing me with notice of your intent to do so or giving me the opportunity to dispute your claim(s) first. Please inform me as to why I should not immediately file a federal lawsuit against you.

Be advised, this is not a refusal to pay, but a notice sent pursuant to the Fair Debt Collection Practices Act, 15 USC 1692g Sec. 809 (b) that your claim is disputed and validation is requested.

This is NOT a request for "verification" or proof of my mailing address, but a request for VALIDATION made pursuant to the above named Title and Section. I respectfully request that your office provide me with competent evidence that I have any legal obligation to pay you.

Please provide me with the following:

- What the money you say I owe is for (e.g. what procedures, etc);
- Explain and show me how you calculated what you say I owe;
- Provide me with copies of any papers that show I agreed to pay what you say I owe;
- Provide a verification or copy of any judgment if applicable;
- Identify the original creditor;
- Prove the Statute of Limitations has not expired on this account;
- Show me that you are licensed to collect in my state; and

- Provide me with your license numbers and Registered Agent.

If your offices have reported invalidated information to any of the three major Credit Bureau's (Equifax, Experian or TransUnion), said action might constitute fraud under both Federal and State Laws. Due to this fact, if any negative mark is found on any of my credit reports by your company or the company that you represent I will not hesitate in bringing legal action against you for the following:

- Violation of the Fair Credit Reporting Act
- Violation of the Fair Debt Collection Practices Act
- Defamation of Character

I demand that you provide me with this information IMMEDIATELY. However, by law I must give you up to 30 days from your receipt of this letter. I am sending this letter via USPS first class CERTIFIED mail so that I can PROVE IN A COURT OF LAW (if necessary) the date that you received this dispute letter. Know this: if your response is not RECEIVED BY ME within 30 days, or does not contain the information that I have requested of you (above), I will not hesitate to hire an attorney to file suit against you. If your offices are able to provide the proper documentation as requested, I will require at least 30 days to investigate this information and during such time all collection activity must cease and desist.

Also during this validation period, if any action is taken which could be considered detrimental to any of my credit reports, I will consult with my legal counsel. This includes any information to a credit reporting repository that could be inaccurate or invalidated or verifying an account as accurate when in fact there is no provided proof that it is.

If your offices fail to respond to this validation request within 30 days from the date of your receipt, all references to this account must be deleted and completely removed from my credit file and a copy of such deletion request shall be sent to me immediately.

I would also like to request, in writing, that no telephone contact be made by your offices to my home or to my place of employment. If your offices attempt telephone communication with me, including but not limited to computer generated calls or correspondence sent to any third parties, it will be considered harassment and I will have no choice but to file suit. All future communications with me MUST be done in writing and sent to the address noted at the bottom of this letter.

This is an attempt to correct your records, any information obtained shall be used for that purpose.

Govern yourselves accordingly,

/s/ *John Hastings*

John Hastings

PO Box 5352

San Diego, CA 921656-5352

Sent via USPS 1st class certified mail.

Thank you,

John

EXHIBIT B

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KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



PUBLIC INQUIRY UNIT
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 322-3360
TOLL FREE: (800) 952-5225
TTY: CA Relay Service
(800) 735-2922

September 10, 2013

Mr. John Hastings
PO Box 5352
San Diego, CA 92165-5352

PIU: 541660

RE: West Asset Management

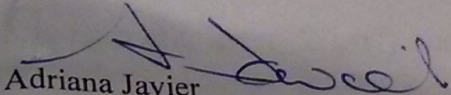
Dear Mr. Hastings:

The Public Inquiry Unit of the Office of the Attorney General recently notified you that your complaint had been forwarded to the above-named company. A copy of their reply is enclosed.

We appreciate your contacting the Attorney General's Office about this matter. We will retain your complaint in our files and may contact you again should it appear that further investigation would be in the public interest.

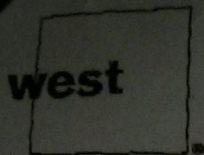
Again, thank you for contacting the Office of the Attorney General regarding your important consumer concerns.

Sincerely,


Adriana Javier
Public Inquiry Unit

For **KAMALA D. HARRIS**
Attorney General

Enclosure



West Asset Management
2221 Newmarket Parkway
Suite 118
Marietta, GA 30067

t 888-433-2888
f 770-618-3742
Qhayden@west.com

Quannetta Hayden
Compliance Coordinator

September 9, 2013

J. Bryan
Public Inquiry Unit
Department of Justice CA
P.O Box 944255
Sacramento, CA 94244

By Fax: 916-323-5341

Re: John Hastings
PIU: 541660

Dear J. Bryan,

I am compliance coordinator for West Asset Management, Inc. ("West") and your letter regarding the above referenced consumer complaint has been forwarded to me for reply.

West has requested validation of the debt from its client and has forward it to Mr. Hasting on September 5, 2013. If Mr. Hastings any question regarding this account he may contact our office toll free 888-843-0014.

Thank you for your kind attention, and please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Q Hayden", written over a horizontal line.

Quannetta Hayden
Compliance Coordinator

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

John Hastings

(b) County of Residence of First Listed Plaintiff San Diego County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael S. Agruss - Agruss Law Firm, LLC
22 W. Washington St., Suite 1500, Chicago, IL 60602; (312) 224-4695

DEFENDANTS

West Asset Management, Inc.

County of Residence of First Listed Defendant Omaha, Nebraska
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'14CV0413 W KSC**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1692 et seq.; Cal. Civ. Code sect. 1788 et seq.

Brief description of cause:
debt collection harassment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/24/2014

SIGNATURE OF ATTORNEY OF RECORD

/S/ Michael S. Agruss

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.